
Appeal Decision

Site visit made on 26 July 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2022

Appeal Ref: APP/C3430/W/22/3296160

Land Adjacent to The Heathlands, Whittamoor Lane, Dunston ST18 9AQ.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Aaron Pountney against the decision of South Staffordshire Council.
 - The application Ref 21/00971/OUT, dated 6 September 2021, was refused by notice dated 7 December 2021.
 - The development proposed is a detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved. I have therefore taken any details pertaining to the reserved matters, as shown on the submitted drawings, to be for indicative purposes only.

Main Issues

3. The main issues are:
 - Whether the appeal site is suitable for the development proposed, having regard to local and national policy and accessibility to services and reliance on private motor vehicles; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Suitable location

4. Core Policy 1 (CP1) of the South Staffordshire Local Plan Core Strategy Development Plan Document 2012 (CS) sets out a Spatial Strategy (SS) to deliver the rural regeneration of South Staffordshire. Its principal aim is to meet local needs with growth located at the most accessible and sustainable locations in accordance with an identified Settlement Hierarchy. The objective of the SS, where development falls outside of Service Villages, is to protect the attractive rural character of the countryside by restricting new development to particular types.
5. Policy OC1 of the CS states that development in the Open Countryside will normally be permitted where it falls within the listed categories, including defined limited infilling of small gaps. The Green Belt and Open Countryside

Supplementary Planning Document (SPD) provides further guidance on what constitutes acceptable limited infilling.

6. The overall strategy of Policy OC1 and CP1 of the CS is to direct new development to the larger settlements, which have access to a wider range of facilities. This reflects the aims of the National Planning Policy Framework (the Framework) to actively manage patterns of growth to locations which allow a choice of sustainable transport modes, whilst recognising that such options vary between urban and rural areas. As such these policies can be attributed significant weight due to their consistency with the Framework, notwithstanding their age.
7. The appeal site lies outside of the service villages and, therefore, the areas identified for rural housing as set out in Policy CP1. The site is located at the end of a short ribbon of development on Whittamoor Lane and beyond a separate ribbon on School Lane. The proposal would not form part of a tight cluster of buildings due to the extent of the gap, which is not 'small' and would not be filled by the scheme. Consequently, the development doesn't meet the definition of limited infilling set out in the Development Plan and the supporting SPD. Furthermore, the proposal does not fall within any of the other categories of development that the policy identifies as appropriate in the open countryside.
8. Whilst the distances to nearby settlements, key amenities and services are not excessive, access to them would require journeys along unlit rural roads without footways. This would be a deterrent to pedestrians, in particular during times of darkness and inclement weather. The nearest bus stop is some distance from the site and for the same reasons it is unlikely that they will be used. In the absence of a bus timetable there is no evidence as to the adequacy of the local bus service. In addition, the narrowness, and the bends of the roads are likely to be off-putting for many less confident cyclists.
9. Consequently, the private motor vehicle would be the predominant means of transport for residents of the appeal site for most journeys. For this reason, I do not consider that the proposal represents accessible development in a rural area.
10. The site is not isolated in the context of paragraph 80 of the Framework as there are other houses near to it. However, the site would be physically separate from any settlement containing facilities and services required to meet the needs of the occupants.
11. Furthermore, given the accessibility concerns set out above, I consider that the benefits of the proposal, due to the support that it gives to services in a village nearby, would be minimal and as such will not enhance or maintain the vitality of rural communities.
12. The proposal is contrary to Policy CP1 and OC1 of the development plan, and to the Framework, therefore. As such, I find that the site is not a suitable location for the development proposed in respect of accessibility to services and reliance on private motor vehicles.

Character and appearance

13. The appeal site is an open field edged with hedges and trees, in a predominantly open agricultural landscape of undeveloped fields interrupted by

small pockets of development. The character of the site is rural, blending into the wider agricultural landscape.

14. The site does not fall within an area designated for its landscape value and the proposal would not, necessarily, result in the loss of any landscape feature. Landscaping is a reserved matter and therefore boundary features could potentially be retained. In addition, details of position, size and design of the proposal are not to be assessed at this stage. Nonetheless, the development of this site for residential purposes will involve buildings, parking and domestic paraphernalia which would be visible over and between the retained landscape features from the road and nearby properties. As such the proposal will inevitably and unacceptably harm the open nature of the site and the wider countryside, diminishing the intrinsic rural character of the landscape.
15. There is no evidence that a refusal of planning permission would lead to the development of any, more sensitive sites and as such this does not weigh in favour of the development.
16. Therefore, the proposal would unacceptably harm the character and appearance of the area contrary to Policy EQ4 of the CS which seeks to ensure that development maintains or enhances the intrinsic rural character or local distinctiveness.

Other Matters

17. In the Old Vicarage Lane appeal¹ the Inspector considered bus and cycling options to be possible and likely given the short distances involved. This is materially different to this appeal.
18. An appeal decision², at Finchampstead, has also been referred to by the appellant. I note that the Inspector describes that site as being located between development and physically separated from the open countryside. It is therefore not directly comparable to the proposal before me.
19. The appellant has suggested that an increase in the ownership of electric or hybrid cars makes car journeys more sustainable. Indeed, national policy recognises and supports such a shift. Nonetheless, the Framework still seeks that a reduction in the reliance on the private motor vehicle are central to planning policy at all stages. As such, I do not consider that this adds weight in favour of the development even in the knowledge that a condition could be imposed to secure electric vehicle charging points. This would not provide any control that the occupiers would use such vehicles.
20. I have given the appellant's personal circumstances, and the desire to continue to work and live in the local area, careful consideration. I am, however, mindful of the advice contained in Planning Practice Guidance³ that in general planning is concerned with land use in the public interest. It is also probable that the proposed development will remain long after the current personal circumstances cease to be relevant. Limited evidence has been provided on the appellant's current accommodation or the availability of properties in the area. Moreover, no mechanism has been presented to me to secure occupation of the

¹ Appeal Ref: APP/C3430/W/18/3216637

² Appeal Ref: APP/X0360/W/20/3251601

³ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'

dwelling. For these reasons, I therefore find this should be given only modest weight in this decision.

21. The provision of a dwelling would make a very modest contribution towards meeting housing needs. Benefits to the local economy and towards energy efficiency would also be small given the scale of the scheme. Even if there were no unacceptable effects on the living conditions of neighbouring occupiers, drainage, flooding or highway safety, these would be a neutral factor and would not weigh in favour of the scheme.
22. When taken together, the benefits of the proposal would not outweigh the harm that I have identified. Moreover, even if paragraph 11 d) ii) of the Framework were engaged, the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.
23. The appeal site lies within the 8km zone of influence for the Cannock Chase Special Area of Conservation. However, there is no need for me to consider the implications of the proposal upon it because the scheme is unacceptable for other reasons.

Conclusion

24. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
25. I hereby dismiss this appeal.

Elaine Moulton

INSPECTOR